

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:		
	:		
v	:		3:16-CR-254
DAVID D. KLEPADLO	:		(Judge Mannion)
DAVID D. KLEPALDO & ASSOC.	:		
	:		
Defendants			

ORDER

Presently before the court is a correspondence dated August 31, 2020 from counsel for the defendant. (Doc. 76). In the correspondence, counsel requests the withdrawal of this court's order of the same day, (Doc. 75), continuing the sentencing in the above captioned case due to the last minute filing of voluminous materials by defense counsel. Concerning is counsel's implication that the Government may have had an *ex parte* communication regarding the defendant's late filings with the court. (i.e. "I am also concerned that the misinformation relied upon by the court may have had as its genesis information conveyed by counsel for the government")(Doc. 76). Any such intimation by counsel is false.

As noted by the government in its response, on September 8, 2020, “... at no time did undersigned counsel or any member of the Government’s prosecution team communicate with the Court or with anyone from chambers about requiring or requesting a continuance of the sentencing scheduled for September 1, 2020 at no time conveyed a need for a continuance to anyone, *ex parte*, or otherwise.” (Doc. 77).

Counsel would be well advised in the future to be mindful of whether his suppositions are fact based before incorporating them in filings with the court. The request that the court withdraw its August 31, 2020 order, is **DENIED.**

To the extent that health issues may possibly affect Mr. Sheppard, one of defendant’s counsel, from being available for sentencing on October 14, 2020, that matter can be addressed when, and if, such a problem actually arises.

s/Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: September 15, 2020

16-254-04